IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.93l0 of 2004

Harischandra V Patil and anr..Petitioners
vs
The State of Mah and ors ..Respondents

Mr R.K.Mendadkar for petitioners
Mr.R.D.Rane AGP for respondent nos. l,2,4 to 6

CORAM: A.P.SHAH & S C DHARMADHIKARI JJ.

Dated 7.l2.2004

P.C:

Heard advocates.

l. The caste claim of the petitioners was referred to the Scrutiny Committee at Thane for verification. The petitioners claimed that they belong to Mahadeo Koli Scheduled Tribe.In support of their claim petitioners furnished l0 documents. The vigilance inquiry was conducted by vigilence cell which submitted its report with the finding that the school entries in respect of paternal relations of the petitioners are found to be Koli prior to the Presidential Notification and the petitioners failed to prove social or cultural affinity towards Mahadeo Koli Scheduled Tribe.

2. All the school entries in respect of near

relations of the paternal side prior to the Presidential Notification are Koli which is distinct from Mahadeo Koli Scheduled Tribe. The caste Koli is recognised as Other Backward Class in State of Maharashtra and has no connection with the Mahadeo Koli Scheduled Tribe. Following is the chart showing the caste of the blood relations of the petitioners:

Reg no Book no	Name of Pupil	Caste sub caste	date of birth	date of admission	relation with the applicant
44/l	Vithoba Dharma Patil	Hindu Koli	27.8.40	2.8.47	Father
74/l	Vithabai Dharma Patil	Hindu Koli	l.l0.42	2.8.48	Real aunt
l8/2	Changya Dharma Patil	Hindu Koli	l.3.46	-	Real uncle
90	Hari Padma Patil	Hindu Koli	l.6.50	30.6.56	Uncle’s son
7.	Nathu Changya Patil	Hindu Koli	25.l.39	l.l2.43	Uncle’s son
2l2	Govind Padma Patil	Hindu Koli	l.6.55	6.7.6l	Uncle’s son
408/2	Rajni Nagyab Patil	Hindu Koli	28.5.6l	26.6.67	Uncle’s daughter.

3. The vigilance cell has made a report that petitioners have failed to establish any cultural or social linkage with Mahadeo Koli Scheduled Tribe. Under the circumstances no interference is warranted with the decision of the Scrutiny Committee. Petition is dismissed. Petition is accordingly disposed of. We make it clear that our order will not preclude the petitioners from making any representation to the employer for regularisation of their employment as belonging to Koli-OBC.